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U.S. DISTRICT COURT
MINNEAPOLIS, MINNESOTA

United States District Court
District of Minnesota

UNITED STATES OF AMERICA" aka "Jefferey)	Civil docket #13-mc-87 (SRN/TNL)
Wagner")
petitioner,)
vs.)
John Thornton,)
alleged respondent)

Answer and request for adversarial hearing

Now Comes John Thornton, alleged defendant, by special appearance and under threat, duress and coercion, not submitting to the court's (judges Leung and Nelson) asserted jurisdiction over me, who hereby answers the petition filed by Gerald Wilhelm. Answer is made under protest as no peaceful remedy exists; those men and women acting as the "government" will not leave us alone and continue with their threats.

The petition was filed in bad faith and for harassment purposes by men and women whose only tool is violence, not good faith cooperation. Grounds are further set forth below.

Request is made for an adversarial hearing so we may cross-examine Wagner in open court.¹ A five minute cross-examination is all that's necessary to prove Wagner has lied and Wilhelm suborned perjury, see 18 USC 1001 and 1622.



¹ We do not seek deposition as we know Wilhelm will object to every question and then effectively stop any confrontation of his lying witness. In court we at least have a chance of getting our questions answered.

We deny every allegation made by Wilhelm and Wagner. The facts show the only bad faith and refusal are by Wagner and Wilhelm. We did not refuse to comply, we only wanted evidence proving jurisdiction over us. Good faith and logic dictate that those who raise an argument bear the burden of proof, *onus probandi*. Wagner refused and instead just wanted to dictate to us and threaten consequences. This raises a presumption there are no facts (The fact not appearing is presumed not to exist) but the judges fail to comply with rule 301 FRE, instead choosing to cite opinions/arguments on behalf of Wilhelm. The constant conflating of opinion as evidence is unfair and seems to be SOP with the IRS and judges in an effort to justify their coercion against us.

1. Threats, duress and coercion. Wilhelm seeks an order from Leung and Nelson coercing us to answer Wagner's questions or go to jail. That's assault and even without the exception the "government" (men and women forcing people to give them money) gave themselves, it's still considered criminal to coerce testimony.

We refuse to accept it's good faith to threaten and coerce people, to ramp up the stress and violently put them into a cage. No honest man/woman would accept it is good faith to coerce and threaten peaceful people. It's assault, kidnapping and false imprisonment with a "legal" sanction based on the opinion that a majority of 535 men and woman said so².

Answer our questions or we'll put you in jail until you do. This threat of coercion is supposed to be good faith? No, it's criminal; it's thuggery; we're peaceful people and Wagner not only has no evidence of jurisdiction, he lied at the meeting and in his affidavit.

Answer our questions or we'll violently put you in a cage displays a callous disregard for peaceful people and willingness to disregard all principals of good faith and justice. It's the mind of a crook. No sane, rational adult will deny this is Wilhelm's position. As stated, the only justification

2 The 535 people referenced are also called "congress" the ones whose "rules" Wilhelm insists apply to us, but he has no actual proof.

for these crimes (assault, kidnapping, false imprisonment) is because a majority of 535 people said so. The same "say so", the "code", Wilhelm has no evidence applies to us at all.

2. IRS has a long history of bad faith. Various men and women acting as the "IRS" have been harassing me for years. As shown by the attached letters, despite years of asking for facts proving the IRS's argument the constitution and laws apply to me, they have refused.

When confronted that he lied about evidence, agent Wallin cut communication. We did not hear from the IRS for almost four years.

3. Wagner's bad faith. This is proven by the fact a question is not an argument. Wagner's argument is: the constitution and code apply to me. This is the basis of his argument he and the "IRS" and "government" (just men and women forcing peaceful people to give them money) have jurisdiction over me. Wagner's entire position rests on this argument. Wagner is unable to present a single fact to support this argument though.

When I ask him, as I did at the August 2013 meeting, he lies claiming I'm raising a "frivolous argument" rejected by the courts and gives me an IRS publication. I asked Wagner to cite the page and subsection because I knew he was lying. Wagner could not and instead lied saying I am refused to comply.

Wagner is lying that a question is a "frivolous argument" because he knows he has no evidence and that he can have his lawyer file a petition to force compliance. When threat, duress and coercion are used there is no need for evidence and good faith.

4. Wilhelm's bad faith. This is also evidence of Wilhelm's bad faith as all he had to do was ask Wagner what the alleged "frivolous argument" was that I allegedly raised. Wilhelm is obligated to support his arguments with facts with witnesses with personal knowledge, he has neither. All he relies on are arguments and citations, not a single fact.

Not only has Wilhelm violated Rule 11, he has suborned perjury as he has to know that a question is not an argument. Wilhelm knows arguments must be supported by facts, not just more legal opinions. Wilhelm relies on the judges to go outside the pleadings and make things up such as me being a "citizen" and "resident."

It's a dirty tactic used by IRS agents and their attorneys to further terrorize peaceful people into compliance. A question is not an argument. It's a lie to divert attention away from a lack of evidence.

5. Irrefutable argument/opinion. The basic operating presumption/opinion is that if we're physically in Minnesota, then the constitution and code apply to us. But if we challenge this, we get lies and threats of coercion, no evidence of course.

Wagner and those who operate under this presumption (Wilhelm, Leung, Nelson) act as if this is irrefutable; that any challenge is automatically not a question of evidence, but a "frivolous argument" defeated by citing opinions of lawyers from thirty or more years ago. As if a question of fact can be settled by citing "what the courts have long rejected".

Questions of fact cannot be settled by citing court opinions as Wilhelm, Leung and Nelson have done. Wilhelm can in no way meet his burden of proof by citing opinion as we can by citing Gitlitz v Comm., 531 U.S. 206 (2001),

If the opinion the constitution and code apply to us is irrefutable, then that's unfair because we cannot defend ourselves. It would violate due process, Vlandis v. Kline, 412 U.S. 441 (1973).

6. Nothing sought is relevant. Nothing Wagner is seeking is relevant to an investigation into a possible violation of the code because Wagner has no evidence it applies in the first place. It's also certain that Wagner is not seeking books and records to prove the constitution and code apply as that would be an admission he doesn't have evidence of jurisdiction.

Wagner is assuming it applies because the courts (judges paid from the money the IRS steals) have ruled it applies to other people. He has no evidence some written instrument and the whims of five-hundred and thirty-five people apply to us in any way.

Wagner's position is: a written instrument from two hundred and twenty seven years ago says I can coerce you to answer my questions. When asked for evidence it applies he has nothing but more opinions and arguments.

If we claimed a two-hundred year old written instrument gave us a right to coerce others today we'd be locked up and forcibly medicated. Why does Wagner and his attorney Wilhelm get away with it though?

7. Wife added to the attack to ramp up stress. After years of not being able to provide a single fact proving jurisdiction and being called out on their lies they had a witness with personal knowledge proving I'm a taxpayer, the IRS decided to attack my wife too.

While it's very stressful to be attacked by the IRS, it's much more so when the IRS turns their guns on a loved one. This is clearly an effort to force me into compliance. This is all about forcing me to comply. Wagner wants me to stop asking for evidence and follow orders. Threaten them until they comply and that is being sold as "good faith". It's sick.

We already know Wilhelm thinks he's under assault when asked a question,³ what would he call it if we coerced him to answer our questions? What if we had our own little cage and threatened Wilhelm to either answer our questions or men with guns would force him into our cage until he complied? "Well this document from a few hundred years ago says we have a right to coerce you."

³ This refers to Wilhelm freaking out and causing a scene in the lobby of the St. Paul federal building after the hearing in Dec. 2013. Marc Stevens asked him a question regarding the evidence he relied on proving the constitution and code applied. Wilhelm freaked out and yelled at Stevens. Apparently Wilhelm doesn't like being asked questions but he's very comfortable coercing us to answer questions.

And no, the "people" did not agree to this or "authorize" anything. Those called "government" force everyone to pay them; there is no agreement unless one is a psychopath with a tendency to think people believe their lies without question.

If anyone claims some abstraction called the "people" agreed, then they need to provide evidence that people coerced to surrender money are agreeing.

Also, when those called the "government" act as if their arguments are irrefutable, it increases the stress dramatically as you cannot defend yourself. It smacks of a rigged game.

Conclusion. A question is not an argument, Wagner lied and Wilhelm suborned perjury by having Wagner do a false affidavit. The summonses were issued in bad faith and to harass. They are not for a legitimate purpose under the law because Wagner has no evidence the constitution and code apply to us in any way.

A five minute cross-examination is all that's needed to prove and settle this matter. We've provided grounds for an adversarial hearing with a confrontation of Wagner in open court. There he can explain why he called a question of evidence a "frivolous argument". He can also lay out the facts he relies on proving a written instrument from over two-hundred years ago applies to us in any way.

Submitted this 15th day of August 2014


John Thornton